

October 2011

–EPA received calls and emails from residents and activists regarding the scheduled end to Cabot’s provision of water.

--Cabot petitions PADEP for determination that it has satisfied COA terms wrt supply of temporary water.

-PADEP issued Nov 2009 COA and 3 subsequent modifications. Final December 2010 changed direction significantly.

-Nov 2009 required “temporary water and/or GMD”; provision of water “until PADEP determines affected water restored”; permanently restore or replace” affected water supply.

There were promises by former PADEP administration to pay for \$11M waterline and to cost-recover from Cabot.

-Dec 2010 stated that the requirement to “restore or replace” would be satisfied by Cabot’s: (1) establishment of escrow for each resident; (2) written notice/instructions to residents to claim escrow; (3) written notice to each resident offering installation of GMD; (4) continued provision of H2O until notified that it met obligations (1)-(3).

--PADEP agrees Cabot has fulfilled terms of COA wrt provision of temporary water, and that provision may cease effective 11/30.

November 2011

– WPD (Karen Johnson) received data from PADEP re: residents covered by COA, noting that some had not been sampled since 2010.

--EPA (WPD, ORD and ATSDR) review data.

--EPA met with residents requesting that they provide any available data of their wells.

--EPA toxicologist reviewed metals data. Determined that none were above thresholds and that there was no ISE.

December 1-7, 2011

– EPA “Regional Screening Levels” for noncarcinogens changed (lowered), to account for child receptors to tap water (previously accounted only for adult receptors to tap) --[reportedly posted online on 12/1]

-- EPA receives new data from residents [Cabot reports from August/September 2011 sampling events, previously withheld by Cabot]

--12/2: EPA notifies Dimock residents by email, stating that review of available data finds no ISE.

December 6-16, 2011

--EPA identifies that Regional Screening Levels had been lowered. EPA Toxicologist reviewed WPD data summary of pre-drill/post-drill inorganics and organics data, and finds ISE based on “unacceptable risk” concentrations of bis 2 ethyl hexyl phthalate, 2 methoxyethanol, arsenic, manganese.

--ATSDR is requested to evaluate Dimock data and provide health consultation.

--OSC assigned to review situation

December 16-28, 2011

--EPA receives information from PADEP (Act 2) re: spills, cleanups by Cabot in area.

--EPA OSC mobilizes to site for logistical planning for possible future sampling.

December 28, 2011

--EPA OSC door to door residential survey initiates.

December 29, 2011

--ATSDR provides “Final ATSDR Emergency Response Record of Activity” to EPA.

January 5, 2012

--EPA OSC drafts Special Bulletin to take action to provide water to 8 residents, based on threat to public health due to hazardous substances in home wells and residents w/o bulk water delivery.

--EPA first identified 8 homes as being without water and with levels of hazardous substances (some not-naturally occurring) of potential concern. Tox identifies 4 homes with levels posing “potential concern” with 2 of those representing an “imminent and substantial threat”

January 19, 2012

--EPA issues ACTION MEMORANDUM pursuant to CERCLA 104(a).

SPECIFIES ACTION: provision of water to 4 homes using 104(a) authority. Also sampling of 61 homes.

--104(a) Removal response action requires "release or substantial threat of release into environment" of "hazardous substance" or where EPA determines there is a "threat to public health or welfare of the U.S. or the environment . . . [NCP 40 CFR 415(b)(1)]

"remove/removal" defined as cleanup or removal of released hazardous substances . . . or taking actions necessary to prevent, minimize or mitigate damage to public health or welfare or to the environment which may otherwise result from release or threatened release

--104(b) whenever authorized to act under 104(a), OR whenever reason to believe a release has occurred or is about to occur, President may undertake such investigations, monitoring, surveys, testing. . . to identify existence and extent of release

-- Based on existing data (which we acknowledged was non-EPA, non-Quality assured) from several sources Tox concluded that 2 inorganic haz. substances exceeded Secondary MCL and Hazard Quotient between 2-4. For 2 homes, tox stated that levels represent "imminent and substantial threat".

-Manganese

-Arsenic (carcinogenic) exceeded MCL.

--Technical review stated that pre-drill compared to post-drill data suggests that levels of inorganics are not naturally occurring.

-Organic hazardous substances used in drilling fluids were present in the data at levels (but not exceeding screening levels): bis(2) ethyl hexyl phthalate; glycols

--Cabot now criticizing "rogue EPA region 3" and challenging our use of specific data points as either "naturally occurring" or not from drinking water source.

-allege our use of old data, cherry picking data, naturally occurring substances, resulting in "unwarranted investigation and unnecessary provision of water"